



**VALE OF WHITE HORSE LOCAL PLAN PART 2
(EXAMINATION)**

MATTER 1 STATEMENT

PYE HOMES LIMITED, Respondent 1022463
JUNE 2018

Vale of White Horse Local Plan Part 2 Examination

MATTER 1: DUTY TO COOPERATE AND OTHER LEGAL REQUIREMENTS

Introduction

- 1.1 Terence O'Rourke submits this statement on behalf of J A Pye (Oxford) Ltd (respondent ref: 1022463). It should be read alongside previous representations to the Vale of White Horse Local Plan 2031 Part 2 Publication Version (submitted 22 November 2017). To note, those representations promoted the allocation of a strategic site at East Hendred, as an alternative to the housing allocation at Harwell Campus which sits within the AONB and includes a significant area of greenfield land. To demonstrate the sustainability, suitability and deliverability of the alternative, at East Hendred, the representations included the following extensive information which remains robust and relevant to these matter statements (which do not seek to duplicate information already submitted at 'publication' stage):
- Covering letter (Westwaddy ADP dated 22 November 2017)
 - Representation forms relating to Policy 15a and 15b and paragraphs 22.95 – 22.97 & 2.101 – 2.118 as well as Figure 2.6 and Appendix A regarding the South East Vale Sub Area
 - Illustrative Master Plan East Hendred (Westwaddy ADP Ref SK01)
 - Delivery Document East Hendred (Westwaddy ADP)
 - Transport Appraisal East Hendred (David Tucker Associates 17 November 2017)
 - Strategic Landscape Review (Aspect Landscape Planning, Letter dated 21 November 2017)
 - Updated Landscape and Visual Appraisal East Hendred (Aspect Landscape Planning Ref November 2017 6302LVA.004)
- 1.2 This document responds to the questions raised under Matter 1: Duty to cooperate and other legal requirements. To clarify, this statement focuses on the last part of question 1.8, because the Sustainability Appraisal (SA) does not appropriately test LPP2 against 'reasonable alternatives' relating to the distribution of housing within the South East Vale Sub Area.
- 1.3 Of particular note and concern, all three 'reasonable alternatives' examined in the report include the Harwell Campus allocation, so no alternatives to this allocation are tested.

Question 1.8: Have the likely environmental, social and economic effects of the LPP2 been adequately addressed in the Sustainability Appraisal? Does the appraisal test the plan against reasonable alternatives for the spatial strategy of the plan and the distribution of housing?

Incorrect identification of 'reasonable alternatives'

- 1.4 This position has arisen based on an erroneous assumption by the report's authors. Footnote 15 of paragraph 5.1.7 states that *"there is no requirement to present detailed site options appraisal findings within this report, given that site options are not 'alternatives' where there is no mutually exclusive choice to be made between them."* This reasoning is used to explain why only an informal, narrative appraisal of the large sites is undertaken in appendix IV, with no clear scoring or assessment matrix to support the text. The introduction of appendix IV states that *"The aim of this appendix is to present an informal appraisal of the options"*, while the methodology sections states that *"Within each narrative there is a discussion of sites that perform notably well or notably poorly. The aim is not to systematically discuss each of the 13 larger site options in terms of each of the 12 SA objectives."*
- 1.5 However, it is incorrect to state that there is no mutually exclusive choice made between the options. In the establishment of 'reasonable alternatives' in section 5.6 of the report, the Harwell Campus site is included as a constant in all three 'reasonable alternatives', with the other larger sites in the area excluded in all options to prevent over-allocation within the sub-area. This is clearly a mutually exclusive choice between Harwell Campus and the other larger sites, including land north of East Hendred. This means that the site options must be seen as 'reasonable alternatives' and be subjected to detailed assessment in line with the requirements of the SEA Regulations, which has not been carried out.
- 1.6 This error means that the approach taken in the report does not accord with the requirements of the SEA Regulations in relation to the treatment of alternatives, as clarified by case law, in two key ways.

Reasons for the rejection of alternatives

- 1.7 Firstly, the SA report does not provide clear reasons, supported by evidence, as to why the land north of East Hendred site (among others) was not taken forward as a 'reasonable alternative'. The judgement on the *Save Historic Newmarket Ltd v Forest Heath District Council* case confirmed that an environmental (or SA) report must provide *"an accurate picture of what reasonable alternatives there are and why they are not considered to be the best option"* and that prior ruling out of alternatives could take place *"subject to the important proviso that reasons have been given for the rejection of the alternatives, that those reasons are still valid if there has been any change in the proposals in the draft plan or any other material change of circumstances and that the consultees are able, whether by reference to the part of the earlier assessment giving the reasons or by summary of those reasons or, if necessary by repeating them, to know from the assessment accompanying the draft plan what those reasons are."*
- 1.8 The land north of East Hendred site is only mentioned in two (heritage and landscape) of the 12 objectives discussed in appendix IV. This clearly does not indicate that the

site performs “*notably poorly*” and provides no justification for not testing it as a ‘reasonable alternative’ to the Harwell Campus allocation. Similarly, table B ‘summary appraisal findings’ at the end of the appendix merely states for land north of East Hendred that it is “*Located within the Science Vale, although more limited potential to walk/cycle to employment locations than some other locations. Comprises land that has low capacity for development from a landscape perspective.*” It should be noted that the site was not raised as performing relatively poorly for walking/cycling under the ‘movement’ objective assessment. This summary provides no clear evidence or justification for not taking land north of East Hendred through as a ‘reasonable alternative’.

- 1.9 Box 6.11 ‘unreasonable options’ gives “*explicit consideration...to some other options considered, but ultimately discounted as ‘unreasonable’.*” This states that removal of the Harwell Campus allocation is considered unreasonable because it “*represents a unique opportunity that should be capitalised upon now, recognising Science Vale objectives.*” Merely stating that the Harwell Campus allocation is considered to be a ‘unique opportunity’ does not provide adequate evidence-based reasons as to why it would be unreasonable to replace this allocation with a different site, such as land north of East Hendred.
- 1.10 Meanwhile, paragraph 6.5.11 merely states that the land north of East Hendred site is subject to constraints and would not contribute to Science Vale objectives to the same extent as the Harwell Campus site, but no evidence or assessment is provided in appendix IV to support these statements. As mentioned above, land north of East Hendred is not even mentioned in 10 of the 12 narrative assessments against the SA objectives, so it is not possible to compare its performance objectively with that of the Harwell Campus site. This clearly shows that sufficient reasons have not been provided to justify the rejection of land north of East Hendred as a ‘reasonable alternative’ to the Harwell Campus.

Equal examination of alternatives

- 1.11 Secondly, the various sites have not been assessed at the same level of detail. The judgement on the *Heard v Broadland District Council* case stated that “*the aim of the directive, which may affect which alternatives it is reasonable to select, is more obviously met by, and it is best interpreted as requiring, an equal examination of the alternatives which it is reasonable to select for examination alongside whatever, even at the outset, may be the preferred option.*” This requirement has not been met by the SA report.
- 1.12 Appendix IV does not provide evidence that the appraisal of the larger sites was undertaken at the same level of detail for all the sites. Land north of East Hendred is only mentioned in two of the 12 objectives, so it is not possible to determine its performance against the other 10 objectives. In contrast, the Harwell Campus site is mentioned in seven of the 12 objectives. For it to be clear that all sites have been

equally examined, information on each site should be provided for every objective, except where there is no difference in performance between all the sites. A clear scoring or assessment matrix with an accompanying commentary on each site's performance against each objective should be provided to demonstrate that each site has been examined equally.

- 1.13 In addition, paragraph 6.5.11 states that detailed discussions have been carried out between the Council, the Campus, developers and stakeholders in relation to the Harwell Campus site (particularly in relation to the avoidance/mitigation of AONB impacts). This is used as a justification for making this site a constant in the three 'reasonable alternatives' and thereby making it the preferred option over the other larger sites in the South East Vale Sub Area. No evidence is provided that similar discussions were held in relation to the other large sites, which were dismissed as being "*associated with constraints*". This demonstrates that an additional level of detail was taken into account to address the constraints associated with the Harwell Campus site, most notably its location within the AONB, which was not allowed for the other sites. The consideration of the sites' relative merits/constraints and the exclusion of the other larger sites in favour of Harwell Campus as the 'preferred option' was clearly not undertaken based on an equal examination of the alternatives.

Comparison of the Harwell Campus and land north of East Hendred site/s

- 1.14 A comparison of the performance of the Harwell Campus and land north of East Hendred sites against the SA objectives has been carried out (see table 1), based on the assessment information provided in the SA report, the council's Topic Paper 2: Site Selection and the representations on the local plan submitted on behalf of J A Pye Oxford Ltd on 22 November 2017. It uses the red / amber / green classifications applied in the site selection report and to the assessment of 'reasonable alternatives' in the SA report. However, rather than using '=' and no colouring to show where the options perform on a par, as was the case in the SA report, a colour classification is still applied in line with the approach taken in the site selection report so that the overall performance of the sites against the SA objectives can be understood.
- 1.15 This comparison shows that the land north of East Hendred site performs as well as the Harwell Campus site against several objectives and better than the Harwell Campus site against a number of key objectives, including those relating to landscape, the natural environment and heritage. This demonstrates that the land north of East Hendred site is a 'reasonable alternative' to the Harwell Campus site and should have been assessed as such through the SA process.

SA objective	Harwell Campus	Land north of East Hendred
Homes	Can provide 1,000 dwellings. Can also provide housing for employees directly on campus	Can provide 1,000 dwellings. Only two miles from the campus and could also meet housing need for campus employees
Services and facilities	Can provide a primary school on site. Would contribute towards secondary school and healthcare provision	Can provide a primary school on site. Would contribute towards secondary school and healthcare provision
Movement	Will provide homes close to jobs and allow people to walk to work. Will provide scope for improved bus services. National Cycle Route 544 passes through the site. New north-facing slip roads at Chilton Interchange will provide alternative point of access onto the A34 and new Harwell Link Road will provide an alternative route to Didcot	Will provide scope for improvements to bus services and nearby cycleways. The site is only two miles from Harwell Campus and close to other key employment areas. While there will be some additional vehicles at the Milton Interchange, off-site improvements to existing infrastructure will be implemented and the new Harwell Link Road will provide an alternative route to Didcot*
	Possible need identified for reconfigured and/or new access junctions along the A4185 and surface upgrades to Hungerford Road (byway) between the junction with Icknield Way and the A4130. The latter would lead to significant effects on the AONB and on recreational users of the byway. Two new road accesses may be required across the Icknield Way, which would have detrimental landscape and recreational effects*	Development will require new accesses, but there are capacity concerns at Rowstock Roundabout and along Featherbed Lane. These could be addressed by improvements to the roundabout and localised widening along Featherbed Lane*
Health	Access to greenspace – site has excellent access to the AONB, with the Icknield Way long distance path passing through the site and the Ridgeway National Trail nearby	Access to greenspace – site has excellent access to the AONB and wider countryside, with the Vale Way long distance path running along the northern edge and other public rights of way running through the site
Inequality and exclusion	Can provide affordable housing. Not sufficiently close to deprived areas to support regeneration	Can provide affordable housing. Not sufficiently close to deprived areas to support regeneration
Economy	Development will support the campus by providing housing for employees on site	Site is only two miles from the campus, so could also support the campus by providing housing for employees. No employment land will be lost to development
	Development will lead to loss of land allocated for employment use, including part of the area designated as an Enterprise Zone*	
Natural environment	Site is identified as being of local biodiversity value, but surveys of the site found two plant species of principal importance that are on the IUCN Red List. The parts of the site where these species are found merit designation as a county wildlife site. The site contains numerous mature trees and the south west part is identified as deciduous woodland priority habitat. Common lizard and bats were also recorded on site*	Much of the site is of low ecological interest because it is intensive arable farmland with few hedgerows. East Hendred Brook is a locally important wildlife corridor and there is evidence of water vole. Development could enhance the brook by replacing the arable land with new habitats and enhancing the habitats along the brook, including by widening the corridor to create new wetland areas*

SA objective	Harwell Campus	Land north of East Hendred
Heritage	Site is within an area of known archaeological potential and the Icknield Way, part of an ancient route that has a claim to be the oldest road in Britain, runs through the site*	Site is within an area of known archaeological potential. East Hendred conservation area lies to the south but will not be affected and the site is screened from the Ridgeway National Trail*
Landscape	Site lies within the AONB. It is partly brownfield. Development will need to be relatively high density for a site within the AONB and will affect views from routes such as the Icknield Way and Hungerford Road bridleway. It is also likely to lead to substantial removal of trees *	The AONB lies to the south of the site, but site is not within the AONB. Very little of the site is visible from the AONB and it will be screened by the existing village, new development already approved north of the A417 and landscape buffers further west. There are few footpaths in the area to the north between the railway line and Hanney Road. Extensive landscape planting will be provided on site*. There will be a change to the site's landscape character
Pollution	Road noise from A4185, lighting and noise from employment uses, and contaminated land on site, but can all be mitigated. No power lines on site	Road noise from A417, and power lines on site, but can be mitigated*. No contamination on site
Climate change mitigation	Will increase emissions from traffic	Will increase emissions from traffic
	Will provide scope for improved bus services, encouraging sustainable travel. Location on the campus will reduce travel to work. Provision of more than 500 dwellings makes decentralised heat and power a possibility	Will provide scope for improved bus services, encouraging sustainable travel. Provision of more than 500 dwellings makes decentralised heat and power a possibility
Climate change adaptation	Site is in flood zone 1	Development area is in flood zone 1* and drains to Didcot WWTW
	Significant infrastructure for wastewater facilities will be required alongside growth at campus. Site is partly brownfield but will lead to loss of some grade 2 agricultural land	Development will lead to the loss of grade 2 agricultural land
Table 1: Assessment of the Harwell Campus and land north of East Hendred sites against the SA objectives		

*The assessment in the SA or site selection report has been revised based on information provided in the submitted local plan representations. Please see the representations for further details.

Conclusions

- 1.16 The SA does not appropriately test the plan against 'reasonable alternatives' for the distribution of housing within the South East Vale Sub Area. The approach taken to the assessment of alternatives does not accord with the requirements of the SEA Regulations, as it fails to provide reasons for the rejection of alternatives and does not provide an equal examination of 'reasonable alternatives'.

- 1.17 The land north of East Hendred site clearly represents a 'reasonable alternative' to the Harwell Campus site and should be examined as such through the SA process.